Legal

April 2017 quarterly check-in
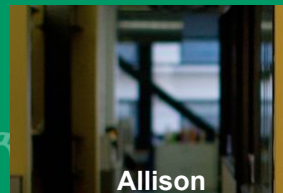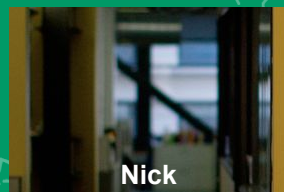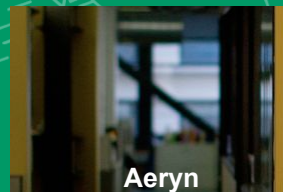
LEGAL TEAM

Here are the areas we'll discuss today

Trademarks

Defending Content & Users

Public Policy

Privacy & Security

Contracts

Training

Board Support

Licensing

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Trademarks

CHECK IN
April 2017

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Legal

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**WIKIMEDIA
FOUNDATION
ANNUAL PLAN**

GOAL: Protect project trademarks

What is your objective / workflow?	Who are you working with?	What impact / deliverables are you expecting?
Maintain and defend *project* marks worldwide	**LAST QUARTER**	
	- Jones Day (our outside trademark counsel who helps maintain registrations worldwide) - MarkMonitor (for identifying infringement and managing domains)	- Maintained project registrations and domains worldwide, and defended them against wrongful legal and administrative challenges, including those from government offices and third parties globally.
	NEXT QUARTER	
	- Jones Day - MarkMonitor	- Same

STATUS: OBJECTIVE IN PROGRESS

CHECK IN

April 2017

TEAM/DEPT

Legal

PROGRAM

None

GOAL: Provide core legal support for the Foundation

What is your objective / workflow?	Who are you working with?	What impact / deliverables are you expecting?
Maintain and defend *Foundation* trademarks worldwide	**LAST QUARTER**	
	- Jones Day (our outside trademark counsel who helps maintain registrations worldwide) - MarkMonitor (service provider for identifying infringement and managing domains)	- Maintained Foundation registrations and domains worldwide, and defended them against wrongful legal and administrative challenges, including those from government offices and third parties globally.
	NEXT QUARTER	
	- Jones Day - MarkMonitor	- Same

STATUS: OBJECTIVE IN PROGRESS

GOAL: Protect project trademarks

What is your objective / workflow?	Who are you working with?	What impact / deliverables are you expecting?
Support mission-based community use	**LAST QUARTER**	
	Comms (occasional need for review)	- Advised individual community members, user groups, chapters, and others on the application of our open Trademark Policy, with a goal of supporting the communities' work in furtherance of their mission
	NEXT QUARTER	
	Comms (occasional need for review)	- Same

STATUS: OBJECTIVE IN PROGRESS

CHECK IN

April 2017

TEAM/DEPT

Legal

PROGRAM

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WIKIMEDIA FOUNDATION ANNUAL PLAN

GOAL: Protect project trademarks

What is your objective / workflow?	Who are you working with?	What impact / deliverables are you expecting?
Grant mission-oriented licenses	**LAST QUARTER**	
	- Comms (occasional need for review) - Wikimania 2017 organizers	- Reviewed requests to use trademarks and drafted licenses when uses furthered or promoted the mission - Finalized Wikimania 2017 agreement to allow use of the marks at Wikimania - Updated license template to improve clarity and account for more potential uses of the marks - Improved procedures for evaluating and negotiating trademark use in film and television
	NEXT QUARTER	
	- Comms (occasional need for review)	- Continue reviewing license requests and draft licenses as appropriate to allow mission-aligned uses of the marks

STATUS: OBJECTIVE IN PROGRESS

GOAL: Protect project trademarks

What is your objective / workflow?	Who are you working with?	What impact / deliverables are you expecting?
Enforce against misuse of marks	**LAST QUARTER**	
	- Freelance job sites - MarkMonitor (service provider for identifying infringement and managing domains)	- Continued to streamline takedowns with freelance job sites to reduce improper paid editing on the projects - Sent cease and desist letters to those misusing Wikimedia trademarks
	NEXT QUARTER	
	- Freelance job sites - MarkMonitor	- Build relationships with additional freelance job sites to curb improper paid editing - Continue to send cease and desist letters to curb misuse of trademarks

STATUS: OBJECTIVE IN PROGRESS

Defending content & community members

CHECK IN

April 2017

TEAM/DEPT

Legal

PROGRAM

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**WIKIMEDIA
FOUNDATION
ANNUAL PLAN**

GOAL: Support community members who are facing unfair litigation

What is your objective / workflow?	Who are you working with?	What impact / deliverables are you expecting?
Administer the Defense of Contributors Program and the Legal Fees Assistance Program	**LAST QUARTER**	
	- SuSa - Outside counsel	- Supported litigation brought against good-faith users of the projects with an eye towards funding cases that advance the mission and values of the Wikimedia movement
	NEXT QUARTER	
	- SuSa - Outside counsel	- Same

STATUS: OBJECTIVE IN PROGRESS

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Legal

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**WIKIMEDIA
FOUNDATION
ANNUAL PLAN**

GOAL: Fight censorship and report on efforts to modify content or obtain user data

What is your objective / workflow?	Who are you working with?	What impact / deliverables are you expecting?
Resist demands to remove content or provide nonpublic user information	**LAST QUARTER**	
	- SuSa - Outside counsel (on occasion) - Comms (on occasion)	- Carefully evaluated all requests to remove/alter content or for nonpublic user info and pushed back in inappropriate cases
	NEXT QUARTER	
	- SuSa - Outside counsel (on occasion) - Comms (on occasion)	- Same

STATUS: OBJECTIVE IN PROGRESS

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Legal

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WIKIMEDIA FOUNDATION ANNUAL PLAN

GOAL: Ensure that the communities retain their editorial discretion with respect to project content

What is your objective / workflow?	Who are you working with?	What impact / deliverables are you expecting?
Defend litigation that threatens the community-centric model	**LAST QUARTER**	
	- CE - Outside Counsel - Comms	- Continued defending litigation from outside parties that threatens the independence of the Wikimedia Communities
	NEXT QUARTER	
	- CE - Outside Counsel - Comms	- Same

STATUS: OBJECTIVE IN PROGRESS

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WIKIMEDIA FOUNDATION ANNUAL PLAN

GOAL: Ensure that the communities retain their editorial discretion with respect to project content

What is your objective / workflow?	Who are you working with?	What impact / deliverables are you expecting?
Pursue advocacy litigation, opportunities for amicus briefs, and press to protect the community-centric model (Unplanned workflow) (Part I)	**LAST QUARTER**	
	- CE - Outside Counsel - Comms	- Awaiting decision in *Wikimedia v. NSA* hearing in Richmond, Virginia; Zhou and Jim gave a well-received talk about the case at Yale Law School - Monitored newly filed and ongoing cases, and created and maintained contacts within the tech and legal spheres to find and assess amicus opportunities - Joined two amicus briefs in support of platform immunity and free speech, in cases regarding CDA 230 and publication of accurate information online - Joined coalitions of other tech companies/organizations on two amicus briefs supporting challenges to recent travel/immigration-related executive orders

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WIKIMEDIA FOUNDATION ANNUAL PLAN

GOAL: Ensure that the communities retain their editorial discretion with respect to project content

What is your objective / workflow?	Who are you working with?	What impact / deliverables are you expecting?
Pursue advocacy litigation, opportunities for amicus briefs, and press to protect the community-centric model (Unplanned workflow) (Part II)	**NEXT QUARTER**	
	- CE - Outside Counsel - Comms	- Continue public advocacy on key areas of the law that support the editorial discretion of the Wikimedia communities

STATUS: OBJECTIVE IN PROGRESS

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**WIKIMEDIA
FOUNDATION
ANNUAL PLAN**

GOAL: Fight censorship and report on efforts to modify content or obtain user data

What is your objective / workflow?	Who are you working with?	What impact / deliverables are you expecting?
Publication of biannual Transparency Report	**LAST QUARTER**	
	- Outside engineering contractor - Comms - SuSa	- Published February transparency report
	NEXT QUARTER	
	N/A	- N/A - Next report scheduled for Q1 FY17/18

STATUS: OBJECTIVE IN PROGRESS

Public Policy

Wikimedia Foundation

CHECK IN

April 2017

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WIKIMEDIA FOUNDATION ANNUAL PLAN

GOAL: Address issues of future importance to the projects

What is your objective / workflow?	Who are you working with?	What impact / deliverables are you expecting?
Coordination and identification	**LAST QUARTER**	
	- Comms - Admin & OIT	- Sent regular newsletter to inform the communities and allies about our policy work - Hosted event with Malavika Jayaram (Digital Asia Hub, Hong Kong) to bring awareness of digital policy issues around privacy in Asia
	NEXT QUARTER	
	- Comms - Admin & OIT	- Host the next quarter's Free Open Shared speaker to raise awareness of a public policy issue related to free knowledge

STATUS: OBJECTIVE IN PROGRESS

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April 2017

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Legal

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**WIKIMEDIA
FOUNDATION
ANNUAL PLAN**

GOAL: Address issues of future importance to the projects

What is your objective / workflow?	Who are you working with?	What impact / deliverables are you expecting?
Planning, drafting, and execution (Part I)	**LAST QUARTER**	
	- Comms - Travel	- Submitted second round of comments to the US Copyright Office on the safe harbors and notice-and-takedown system to further attempt to convince them not to recommend placing additional requirements on online platforms like WMF - Submitted comments to the Librarian of Congress advocating that the next head of the US Copyright Office understand and appreciate the interests of the general public and the free culture movement. -Published blogpost about the value and importance of the public domain

GOAL: Address issues of future importance to the projects

What is your objective / workflow?	Who are you working with?	What impact / deliverables are you expecting?
Planning, drafting, and execution (Part II)	**NEXT QUARTER**	
	- Comms	- Publish a bi-yearly update to the public policy site to ensure it reflects the most recent developments - Publish resource for Wikimedians who contact policymakers (moved from Q3 to Q4) - Publish blog post on the impact of the proposed EU copyright reform to emphasize the value of public domain resources for Wikimedia (moved from Q3 to Q4) - Publish policy resource on non-commercial clause to provide a clear, accessible explanation of why adding it to new copyright exceptions is harmful for free knowledge (moved from Q3 to Q4)

STATUS: OBJECTIVE IN PROGRESS

CHECK IN
April 2017

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Legal

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**WIKIMEDIA
FOUNDATION
ANNUAL PLAN**

GOAL: Address issues of future importance to the projects

What is your objective / workflow?	Who are you working with?	What impact / deliverables are you expecting?
Expand policy policy network and awareness of WMF policy efforts (Unplanned workflow)	**LAST QUARTER**	
	- Comms - Travel	- Gave a Lightning Talk at RightsCon about the right to link and co-hosted a panel with Mozilla and Creative Commons about EU copyright reform (featuring MEP Julia Reda, head of library services at University College London, and the Deputy Director of eldiario.es, and others) - Hosted movement strategy dinner in connection with RightsCon
	NEXT QUARTER	
		- Join Global Network Initiative / Network of Centers to bring the free knowledge perspective into one of these diverse networks (based on assessment in Q1 - moved from Q2 to Q4)

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Legal

PROGRAM

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**WIKIMEDIA
FOUNDATION
ANNUAL PLAN**

GOAL: Address issues of future importance to the projects

What is your objective / workflow?	Who are you working with?	What impact / deliverables are you expecting?
Delivery of anti-censorship toolkit to aid community to avoid gov't and other censorship. (Unplanned objective)	**LAST QUARTER**	
	-Civil liberties organizations, censorship researchers, and at-risk communities	- Attended the Internet Freedom Festival where we presented on our anti-censorship efforts and received valuable feedback from attendees
	NEXT QUARTER	
	-Civil liberties organizations, censorship researchers, and at-risk communities	- Develop anti-censorship initiatives to aid and empower our communities around the world (moved from Q3 to Q4)

STATUS: OBJECTIVE IN PROGRESS

Core:
Privacy & Security

CHECK IN
April 2017

TEAM/DEPT
Legal

PROGRAM
None

**WIKIMEDIA
FOUNDATION
ANNUAL PLAN**

GOAL: Provide core legal support for the Foundation

What is your objective / workflow?	Who are you working with?	What impact / deliverables are you expecting?
Draft, enact, and ensure compliance with best practices for privacy	**LAST QUARTER**	
	- Product - Tech - CE - Security	- Worked to draft, enact, and ensure compliance with best practices for privacy
	NEXT QUARTER	
	- Product - Tech - Advancement/Fundraising Tech	- Continue to work to draft, enact, and ensure compliance with best practices for privacy

STATUS: OBJECTIVE IN PROGRESS

CHECK IN

April 2017

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Legal

PROGRAM

None

GOAL: Provide core legal support for the Foundation

What is your objective / workflow?	Who are you working with?	What impact / deliverables are you expecting?
Provide useful information about our privacy practices to community members and the public	**LAST QUARTER**	
	- CE	- Community admin privacy training posted on-wiki with other CE trainings
	NEXT QUARTER	
	- CE	- Work with CE to finalize presentation of community admin privacy training for their training portal - Respond to privacy inquiries from community members & general public

STATUS: OBJECTIVE IN PROGRESS

CHECK IN
April 2017

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Legal

PROGRAM
None

WIKIMEDIA FOUNDATION ANNUAL PLAN

GOAL: Provide core legal support for the Foundation

What is your objective / workflow?	Who are you working with?	What impact / deliverables are you expecting?
Draft, enact, and ensure compliance with best practices for security	**LAST QUARTER**	
	- OIT - Security	- Worked to draft, enact, and ensure compliance with best practices for security
	NEXT QUARTER	
	- OIT - Security	- Continue to work to draft, enact, and ensure compliance with best practices for security

STATUS: OBJECTIVE IN PROGRESS

Core:
Contracts

CHECK IN

April 2017

TEAM/DEPT

Legal

PROGRAM

None

GOAL: Provide core legal support for the Foundation

What is your objective / workflow?	Who are you working with?	What impact / deliverables are you expecting?
Negotiate, review, and approve contracts the Foundation signs	**LAST QUARTER**	
	- All departments needing contracts - Outside vendors	- Protected WMF and minimized risk through contractual agreements
	NEXT QUARTER	
	- All departments needing contracts - Outside vendors	- Same

STATUS: OBJECTIVE IN PROGRESS

Core:
Training

CHECK IN

April 2017

TEAM/DEPT

Legal

PROGRAM

None

GOAL: Provide core legal support for the Foundation

What is your objective / workflow?	Who are you working with?	What impact / deliverables are you expecting?
Train Foundation staff on legal policies and procedures	**LAST QUARTER**	
	- CE - Advancement & FR Tech - Tech - Product	- Plan and conduct staff training on legal issues
	NEXT QUARTER	
	N/A	-No trainings currently planned for next quarter

STATUS: OBJECTIVE IN PROGRESS

Core:
Board

CHECK IN

April 2017

TEAM/DEPT

Legal

PROGRAM

None

GOAL: Provide core legal support for the Foundation

What is your objective / workflow?	Who are you working with?	What impact / deliverables are you expecting?
Support the Board of Trustees	**LAST QUARTER**	
	- ED - Governance Committee - Finance	- Supported scheduled Board meetings in February (online) and March (Berlin) - Supported creation and passage of the Environmental Impact Resolution - Set Board calendar for 2017
	NEXT QUARTER	
	- ED - Governance Committee	- Support Board meetings in April (online), May (online), & June (Montreal)

STATUS: OBJECTIVE IN PROGRESS

CHECK IN

April 2017

TEAM/DEPT

Legal

PROGRAM

None

GOAL: Provide core legal support for the Foundation

What is your objective / workflow?	Who are you working with?	What impact / deliverables are you expecting?
Support the Board recruitment	**LAST QUARTER**	
	- ED - Governance Committee - T&C - Comms	- Finalized draft of board recruiting materials to introduce WMF, the movement, and the role of Board members to potential candidates - Began recruitment of potential candidates
	NEXT QUARTER	
	- ED - Governance Committee - T&C	- Continue recruitment of potential candidates

STATUS: OBJECTIVE IN PROGRESS

Core:
Licensing

CHECK IN

April 2017

TEAM/DEPT

Legal

PROGRAM

None

GOAL: Provide core legal support for the Foundation

What is your objective / workflow?	Who are you working with?	What impact / deliverables are you expecting?
Update Wikipedia copyright license to Creative Commons 4.0	**LAST QUARTER**	
	- CE - Comms - Reading (desktop, mobile web, and apps)	*Delayed*
	NEXT QUARTER	
	- Comms - Reading (desktop, mobile web, and apps)	- Announcing and implementing the upgrade to CC 4.0 (delayed to Q4)

STATUS: OBJECTIVE IN PROGRESS

Core:
General Support

April 2017 **Legal** None

GOAL: Provide core legal support for the Foundation

What is your objective / workflow?	Who are you working with?	What impact / deliverables are you expecting?
Provide general advice and support to other departments	**LAST QUARTER**	
	- Advancement - Comms - Finance and Administration - Product - Tech - CE - Partnerships	Conducted thorough research and provide pragmatic legal and policy advice to all teams as needed, for example: ● Reviewed media inquiries with legal components ● Provided product counseling ● Advised Research on complying with copyright law in their presentations
	NEXT QUARTER	
	Same	Same

STATUS: OBJECTIVE IN PROGRESS